

REMARKS

The Final Office Action mailed October 5, 2005, has been received and reviewed. Claims 1 through 10 are currently pending in the application. Claims 1 through 5, 7, 9, and 10 stand rejected. Claims 6 and 8 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Applicant proposes to amend claims 6 and 8, and respectfully requests reconsideration of the application as proposed to be amended herein.

Double Patenting Rejection Based on U.S. Patent Application Publication No. 2005/0003113 A1 (Patent Application No. 10/613,495)

Claims 1 through 5, 7, 9, and 10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, and 8 of U.S. Patent Application Publication No. 2005/0003113 A1. In order to avoid further expenses and time delay, Applicant elects to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 CFR §1.321 (b) and (c). Applicant's filing of the terminal disclaimer should not be construed as acquiescence in the Examiner's double patenting or obviousness-type double patenting rejections. Attached are the terminal disclaimer and accompanying fee.

Objections to Claims 6 and 8/Allowable Subject Matter

Claims 6 and 8 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Claims 6 and 8 have been amended to include all of the limitations of base claim 1 and, thus, place the same in independent form. In view of the amendments, Applicant believes the claims to be allowable.

ENTRY OF AMENDMENTS

The proposed amendments to claims 6 and 8 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 1 through 10 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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